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U.S. BANKRUPTCY COURT  
CLERK

1 DAVID PHILLIPS, ESQ.  
2 Nevada Bar No. 00538  
3 700 S. 4<sup>TH</sup> STREET  
4 Las Vegas, NV 89101  
5 (702) 386-6000 FAX 386-6980  
6 *Attorney For Creditor*  
7 *Soroyo Fambro*

8 UNITED STATES BANKRUPTCY COURT  
9 FOR THE DISTRICT, NEVADA

9 In re: ) Case No.: 12-16252-MKN  
10 )  
11 PAUL D. POWELL, ) Chapter 11  
12 )  
13 Debtor, )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
SOROYO ANN FAMBRO,  
Movant,  
vs.  
PAUL D. POWELL, debtor, and  
UNITED STATES TRUSTEE, Trustee

17 **MOTION TO LIFT AUTOMATIC STAY**

18  
19 Movant SOROYA ANN FAMBRO applies to this court for an order granting her relief from  
20 the automatic stay in the following premises:

21 **FACTS IN SUPPORT OF MOTION**

22  
23 On August 27, 2012, the Movant, SOROYA ANN FAMBRO, filed a legal malpractice action  
24 against Mr. Powell, the debtor, as well as Powell Litigation Group, LLC, a default corporation,  
25 and Michael Kristoff, Esq. See **Exhibit 1**. Mr. Powell has filed this Chapter 11 proceeding.

1 However, on reason and belief, there is insurance coverage in this case, and thus, Mr Powell's  
2 real exposure is very limited.

3 Without relief from the automatic stay Movant would suffer significant and unfair prejudice  
4 if her district court action cannot be tried. She therefore asks for relief from the stay, in order that  
5

### 6 ARGUMENT

7  
8 As a general rule, the filing of a bankruptcy petition operates to stay litigation involving  
9 prepetition claims against the debtor. ( *Midlantic Nat'l Bank v. N.J. Dep't of Env'tl. Prot.* (1986)  
10 474 U.S. 494,503.) However, the automatic stay can be lifted, so long as an interested party can  
11 demonstrate "cause." 11 U.S.C. §362(d)(1). The Ninth Circuit has explained that "[b]ecause  
12 there is no clear definition of what constitutes 'cause,' discretionary relief from the stay must be  
13 determined on a case by case basis." ( *MacDonald v. MacDonald (In re MacDonald)* (9th Cir.  
14 1985) 755 F.2d 715,717; see also *Egwineke v. Robertson (In re Robertson)* (N.D. Ga 2000) 244  
15 B.R. 880, 882; *Baldino v. Wilson (In re Wilson)* (3d Cir. 1997) 116 F.3d 87,90.) The decision  
16 whether to grant relief from stay is "within the broad discretion of the bankruptcy court."  
17 (*Truebro, Inc. V. Plumberex Specialty Prods., Inc.*) (C.D. Cal. 2004) 311 B.R. 551,558.) As the  
18 Ninth Circuit has confirmed, relief from stay may be granted to allow litigation pending in  
19 another forum to proceed to conclusion. (See, e.g., *Packerland Packing Co. V. Griffith Beverage*  
20 *Co. (In re Kimble)* (9th Cir. 1985) 776 F.2d 802, 807.) Where litigation is pending, courts may  
21 weigh twelve nonexclusive factors, known as " *Curtis*" factors, in deciding whether to grant  
22 relief from an automatic stay. *In re Plumberex* 311 B.R. at 559(quoting *In re Curtis* (D. Utah  
23 1984) 40 B.R. 795, 799-800.)  
24  
25

Not every factor will be relevant in every case, and a court is not required to give each factor

1 equal weight. (*Id.* at 560.) Typically, only *Curtis* Factors One, Two, Five, Seven, Ten and  
2 sometimes Twelve are relevant to the Court's determination related to an insured party in an  
3 injury case.

4 **Complete Resolution.** *Curtis* Factor One asks whether permitting relief from the stay would  
5 result in complete resolution of the issues between the parties. ( *See In re Plumberex* 311 B.R. at  
6 559, 562.) Here, this factor obviously weighs in favor of relieving the stay. Indeed, the only issue  
7 between movant/plaintiff and debtor/defendant is the underlying malpractice action. If the relief  
8 is granted and movant/plaintiff can litigate her personal injury action to conclusion, the  
9 relationship between parties will be over and each can move forward with their respective  
10 endeavors.  
11

12 **No Connection with Bankruptcy Proceedings.** *Curtis* Factor Two favors relief from the  
13 stay where the state court proceedings are not connected or would not interfere, with the  
14 bankruptcy proceedings. (See *In re Plumberex*, 311 B.R. at 559, 561-62.) This factor again  
15 favors relief from the stay. Kline will give up seeking personal assets of the defendant and only  
16 proceed against the insurance proceeds. This way, the personal injury action is in no way related  
17 to the bankruptcy action. Thus, the personal injury action in no way relates to, nor would it in  
18 any way interfere with, the bankruptcy proceedings.  
19

20 **Debtor's Insurance Carrier.** *Curtis* Factor Five looks to whether a debtor's  
21 insurance carrier has assumed full responsibility for defending the litigation. ( *See In re*  
22 *Plumberex*, 311 B.R. at 559.) The debtor/defendant will not suffer financially at all from  
23 defending the malpractice action, and thus this factor also weighs strongly in favor of  
24 lifting the stay. ( *Foust v. Munson S. S. Lines* (1936) 299 U.S. 77, 87-88 (bankruptcy  
25

1 injunction should be lifted to permit wrongful death suit to go forward since claimant's  
2 only interest is establishing liability under the existing insurance policy); *Holtkamp v.*  
3 *Littlefield (In re Holtkamp)* (7th Cir. 1982 669 F.2d 505, 508) (stay lifted to allow civil  
4 action to go forward since bankruptcy estate not jeopardized, as insurer assumed full  
5 financial responsibility for defending litigation); *Elliot v. Hardison* (E.D. Va. 1982) 25  
6 B.R. 305, 308 ("Where the claim is one covered by insurance or indemnity, continuation of the  
7 action should be permitted since hardship to the debtor is likely to be outweighed by hardship to  
8 the plaintiff." (quoting 2 Collier on Bankruptcy ¶ 362.07(3) (15th ed.

10 **Interests of Other Creditors Not Prejudiced.** *Curtis* Factor Seven examines whether the  
11 state court litigation would prejudice the interests of other creditors or interested parties. (See *In*  
12 *re Plumberex*, 311 B.R. at 559, 562.) In personal injury matters involving insurance, there is  
13 clearly no possibility of prejudice to other creditors. The movant/plaintiff in the injury case seeks  
14 to recover only from debtor/defendant's insurance carrier, and thus any recovery plaintiff  
15 receives in the personal injury action can have no impact on the defendant's assets, and thus no  
16 impact on other creditors or similarly interested parties.

18 **Judicial Economy.** *Curtis* Factor Ten asks whether the interests of judicial economy and  
19 expeditious resolution of the issues would be served by relief from the stay. (See *In re*  
20 *Plumberex*, 311 B.R. at 559.) The legal malpractice action has been filed, and the district court  
21 has set the matter for a status check on February 27, 2013. See minute order, **Exhibit 2**.  
22 Moreover, requiring a bankruptcy judge to determine discreet legal malpractice claim, which  
23 turn on state law, would not promote judicial economy.

25 **Conclusion.** For all of the reasons set forth above, the court should grant the motion for

1 relief from the automatic stay in accordance with the form of order submitted concurrently  
2 herewith.

3  
4 Dated this 25<sup>th</sup> day of February, 2013

5   
6 /s/ David Phillips, Esq.

7 DAVID PHILLIPS, ESQ.  
8 Nevada Bar No. 00538  
9 700 S. 4<sup>TH</sup> STREET  
Las Vegas, NV 89101  
(702) 386-6000 FAX 386-6980  
Attorney For Movant

10 CERTIFICATE OF SERVICE

11 A Copy of this Motion, attached exhibits, and proposed order was electronically served on  
12 Zacharias Larson, Esq., attorney for Debtor, on the above date.

13   
14 /s/ David Phillips, Esq.

15 David Phillips, Esq.  
16  
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21  
22  
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24  
25

# EXHIBIT 1

(Page 1 of 7)

## CIVIL COVER SHEET

A-12-667452-C  
XXI I

County, Nevada

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

## I. Party Information

Plaintiff(s) (name/address/phone):

Fambro, Soraya  
230 S. 300 West, Vesp, Utah 84778  
Attorney (name/address/phone):  
DAVID LEE PHILLIPS, ESQ.  
700 South Fourth Street, Las Vegas, Nevada 89101  
702-386-6000 - Office 702-386-6980 - Fax

Defendant(s) (name/address/phone):

Paul Powell, Esq./individually Powell Litigation Group  
P.C. & domestic Prod Corp, Michael Kistof, Esq. Doosl-V Roe  
Attorney (name/address/phone): Corp 1-V

## II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

## Civil Cases

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<b>Negligence</b> <input type="checkbox"/> Negligence - Auto <input type="checkbox"/> Negligence - Medical/Dental <input type="checkbox"/> Negligence - Premises Liability (Slip/Fall) <input checked="" type="checkbox"/> Negligence - Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Act/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

## III. Business Court Requested (Please check applicable category, for Clark or Washoe Counties only.)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90)  | <input type="checkbox"/> Trademarks (NRS 600A)               |   |

8 / 3 / 2012

Date

Signature of initiating party or representative

(Page 2 of 7)

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08/27/2012 12:00:08 PM
  
CLERK OF THE COURT

1 COMP  
2 DAVID PHILLIPS, ESQ.  
3 Nevada Bar No. 00538  
4 700 S. 4<sup>TH</sup> STREET  
5 Las Vegas, NV 89101  
6 (702) 386-6000 FAX 386-6980  
7 Attorney For Plaintiff

## DISTRICT COURT

## CLARK COUNTY, NEVADA

8 SOROYA ANN FAMBRO, an individual  
9 Plaintiff,  
10 vs.

) Case No.:  
) Dept. No.

A- 12- 667452- C  
XXI I

11 PAUL POWELL, ESQ., individually,  
12 POWELL LITIGATION GROUP P.C, a  
13 Domestic Professional Corporation,  
14 MICHAEL KISTOF, ESQ. DOES 1-V, ROE  
15 CORPORATIONS 1-V,  
16 Defendants

**PLAINTIFF'S ORIGINAL COMPLAINT FOR LEGAL MALPRACTICE**

17 COMES NOW, SOROYA ANN FAMBRO, by and through her attorney DAVID PHILLIPS,  
18 ESQ, and hereby files her original Complaint for malpractice against PAUL POWELL, ESQ.,  
19 individually, MICHAEL KRISTOF, ESQ. POWELL LITIGATION GROUP P.C, a Domestic  
20 Professional Corporation, DOES 1-V, ROE CORPORATIONS 1-V, Defendants, and would  
21 show as follows:

- 22 1. Plaintiff is an individual, who, during the relevant time frame, resided in Las Vegas, Clark  
23 County, Nevada. She is the former client of the defendant(s). The acts that form the basis of  
24 this complaint occurred in Clark County, Nevada.



1 2. At all times relevant, Defendant, PAUL POWELL, ESQ., is an individual who during  
2 the relevant time frame did business as POWELL LITIGATION GROUP, along with  
3 defendant MICHAEL KRISTOF, ESQ. The acts that form the basis of this complaint  
4 occurred in Clark County, Nevada, by virtue of a cause of action in which the  
5 defendants, collectively called "POWELL DEFENDANTS," were retained to represent  
6 the plaintiff at the post arbitration stages styled SOROYA FAMBRO v. WALMART,  
7 case no A-07-535400, wherein POWELL defendants committed legal malpractice, more  
8 particularly described below.

9 3. The true names and capacities, whether individual, corporate, associate, or otherwise, of  
10 defendants named herein as DOES 1 through 5, inclusive, are unknown to Plaintiff, who  
11 therefore sues said Defendants by such fictitious names; Plaintiff is informed and  
12 believes an thereupon alleges that each of the Defendants designated herein as DOE is  
13 responsible in some manner for the events and happenings referred to, and caused  
14 damages proximately to Plaintiff as herein alleged, and Plaintiff will ask leave of the  
15 Court to amend the Complaint to insert the true names and capacities of DOES 1 through  
16 5, inclusive, when the same have been ascertained, and to join such defendants in this  
17 action.  
18

19  
20 **UNDERLYING FACTS THAT FORMED THE BASIS OF LITIGATION**

21 4. That on or about December 5, 2008, the plaintiff retained the defendant POWELL group  
22 to represent her in seeking relief from an order striking a Request for Trial De Novo that  
23 had been granted in December, 2008.  
24  
25

- 1 5. That in the arbitration, the arbitrator found that the plaintiff and defendant Wal-Mart were
- 2 equally liable for the catastrophic damages that occurred at a Wal-Mart in Clark County,
- 3 6. That the striking of the trial de novo was clearly wrong, but the plaintiff was pro se and
- 4 did not know how to properly raise the grounds for opposing Wal-Mart's motion to strike
- 5 the trial de novo.
- 6 7. That the defendants were retained to file a motion to reconsider the court's ruling striking
- 7 the trial de novo.
- 8 8. That the order striking the trial de novo was entered on January 13, 2009, which meant
- 9 that the plaintiff had until February 15, 2009 to appeal, and also meant that the plaintiff
- 10 had until that date to include in the appeal any motions for reconsideration that were
- 11 considered and entered prior to that date.
- 12 9. That the defendants prepared the Motion for Reconsideration, in which court considered
- 13 the merits of the Motion, but decided that the striking of the trial de novo stood.
- 14 10. That the events described in paragraph 9 occurred on February 4, 2009, leaving ten days
- 15 for the order to be entered, in order that the Reconsideration may be part of the appeal.
- 16 11. That the defendant had a professional duty to timely submit an order denying the relief
- 17 requested, in order to make it a part of the record.
- 18 12. That the defendant failed to submit and enter a timely order.
- 19 13. That as a direct result of the defendant's failure, the appellate court did not have the
- 20 benefit of the appropriate and controlling case authority on this issue on striking a de
- 21 novo request.
- 22 14. That the defendants further failed to advise the plaintiff of that fact that she had until
- 23 February 15, 2009 to appeal.
- 24
- 25

(Page 5 of 7)

- 1 15. That as a direct result of the defendants' failures, the plaintiff was denied her right to  
2 appeal, and was denied her right to a full and fairly developed record for purposes of  
3 appeal.
- 4 16. That the plaintiff would have won her appeal, and thus would have thus had a new trial.
- 5 17. That it was later learned that Wal-Mart had committed improprieties, and material  
6 evidence that would have changed the result of the 50-50 liability award would have been  
7 received, and the plaintiff would in all probability have recovered damages in excess of  
8 \$10,000.00.
- 9 18. That because the plaintiff did not timely appeal, her ability to seek redress for her injuries  
10 was foreclosed.
- 11 19. That the plaintiff was not advised properly by the defendants, and the defendants did not  
12 acknowledge their professional error.
- 13 20. That the failure of defendants to timely enter an order on the Reconsideration motion was  
14 deficient performance and constitutes legal malpractice.
- 15 21. That the plaintiff was basically on her own to attempt to figure out what to do.
- 16 22. That after she consulted with counsel in July 2012, she then became aware of her legal  
17 malpractice against the defendants for malpractice, therefore her limitations would begin  
18 to commence in July 2012.
- 19 23. That as a result of the legal malpractice committed by the defendants, the plaintiff has  
20 been damaged in an amount greater than \$10,000, for which she now sues.
- 21 24. That the plaintiff is entitled to attorney's fees, which are both reasonable and necessary,  
22 against the defendant SINGER.
- 23
- 24 ///
- 25

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**COUNT ONE-MALPRACTICE**

25. The plaintiff realleges the preceding paragraphs as if fully set out therein.

26. That the failure of the defendants to timely submit an order granting the reconsideration and refusing to reverse its ruling striking the de novo had a material adverse effect on the plaintiff.

27. That the failure to properly advise the plaintiff of her appellate rights, likewise, had a material and adverse effect on the plaintiff. That even her prior attorney perfected her appellate rights by filing a trial de novo timely

28. That the failure to enter the order described in paragraph 26, and the failure to either appeal or advise the plaintiff of her appeal rights and deadlines was the proximate cause of the dismissal of the complaint and the loss of her right to a brand new trial de novo.

29. That as a result of the attorney-client relationship created by the above conduct of the parties, defendants had a duty to represent plaintiff with the reasonable care, skill, and diligence ordinarily possessed and exercised by ordinary attorneys in similar circumstances.

30. That the Defendant's conduct described above was a breach of defendant's duty to exercise reasonable care, skill, and diligence on plaintiff's behalf.

31. That by the failures described above, the defendants breached this duty to represent plaintiff with the reasonable care, skill, and diligence ordinarily possessed and exercised by ordinary attorneys in similar circumstances.

32. That as a result of the defendants' negligence and legal malpractice, the plaintiffs thus suffered damages of an amount greater than \$10,000, for which he now sues.

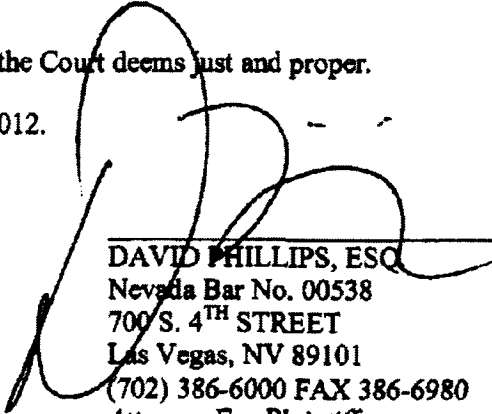
1 33. That plaintiff reserves the right to supplement this complaint with additional causes of  
2 action, as discovery commences.

3  
4 **PRAYER**

5  
6 WHEREFORE, the plaintiffs pray for the following:

- 7 1. Damages in excess of \$10,000, as a result of the defendants' professional negligence and  
8 otherwise legal malpractice,  
9 2. Costs of court,  
10 3. Interest, and  
11 4. For such other and further relief as the Court deems just and proper.

12 Dated this 3rd day of August, 2012.

13  
14   
15 DAVID PHILLIPS, ESQ.  
16 Nevada Bar No. 00538  
17 700 S. 4<sup>TH</sup> STREET  
18 Las Vegas, NV 89101  
19 (702) 386-6000 FAX 386-6980  
20 Attorney For Plaintiff  
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22  
23  
24  
25

# EXHIBIT 2

(Page 1 of 1)

A-12-667452-C

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other****COURT MINUTES****January 30, 2013**

A-12-667452-C

Soroya Fambro, Plaintiff(s)

vs.

Paul Powell, ESQ, Defendant(s)

**January 30, 2013****8:30 AM****Status Check****HEARD BY:** Johnson, Susan**COURTROOM:** RJC Courtroom 15D**COURT CLERK:** Tiffany Lawrence**RECORDER:** Norma Ramirez**PARTIES** Rogers, John S

Attorney for Plaintiff

**PRESENT:**

**JOURNAL ENTRIES**

- Request of Mr. Rogers to continue and motion to extend time to facilitate service on Defts; stated Deft Powell was in bankruptcy. Court provided a procedural overview and advised she was not inclined to grant an extension to serve unless there were exigent circumstances; Court directed counsel to serve the Defts not in bankruptcy and possibly file a motion to lift the stay as it related to Deft Powell. COURT ORDERED, matter SET.

02/27/13 8:30 AM - STATUS CHECK: PROOF OF SERVICE AND MOTION TO LIFT STAY

# EXHIBIT 3



POLI & BALL, P.L.C.  
3311 S. RAINBOW BLVD., SUITE 215  
LAS VEGAS, NEVADA 89146  
(702) 380-8095

James B. Ball (#5212)  
James E. Shively (#5497)  
Poli & Ball, P.L.C.  
3311 S. Rainbow Blvd., Suite 215  
Las Vegas, Nevada 89146  
(702) 380-8095  
Facsimile: (702) 380-3001  
fern@poliball.com  
Attorneys for Daimler Trust

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE DISTRICT OF NEVADA**

In re:

Paul D. Powell ,

Debtor.

Daimler Trust,

Movant,

vs.

Paul D. Powell, debtor; and  
U.S. Trustee, Trustee,

Respondents.

No. 12-16252-mkn

Chapter 11

**ORDER ON MOTION FOR RELIEF  
FROM THE AUTOMATIC STAY  
WITH CERTIFICATE OF SERVICE**

**DATE 07/18/2012 - TIME 9:30 a.m.  
THIRD FLOOR,  
COURTROOM NO. 2  
300 LAS VEGAS BLVD. SOUTH**

1 Daimler Trust, having filed its Motion for Relief from the Automatic Stay  
2 on June 12, 2012, ("the Motion").

3 The court finds that there were no timely written objections filed to the  
4 Motion.

5 IT IS HEREBY ORDERED that Daimler Trust's Motion is hereby granted.

6 IT IS FURTHER ORDERED that the automatic stay of 11 U.S.C. Section  
7 362(a) as it is applicable to the debtors and the estate is terminated, with respect to the  
8 following described personal property ("the leased property"):

9 2010 Mercedes Benz CL65

10 VIN # WDDEJ7KB1AA024528.

11 RESPECTFULLY SUBMITTED this \_\_\_\_ day of June, 2012

12 Poli & Ball, P.L.C.

13  
14 By \_\_\_\_\_  
15 James B. Ball (#5212)  
16 James E. Shively (#5497)  
17 3311 S. Rainbow Blvd., Suite 215  
18 Las Vegas, Nevada 89146  
19 Attorneys for Daimler Trust  
20  
21  
22  
23

###

1 CERTIFICATION re: LOCAL RULE 9021:

- 2 1) Documents listed in subsection (a) above must be submitted to the court with  
3 the following certification from the submitting counsel:

4 In accordance with Local Rule 9021, counsel submitting this document certifies  
5 that the order accurately reflects the court's ruling and that (check one):

6 ☐ The court has waived the requirement set forth in LR 9021(b)(1).

7 ☐ No party appeared at the hearing or filed an objection to the motion.

8 ☐ I have delivered a copy of this proposed order to all counsel who appeared  
9 at the hearing, any unrepresented parties who appeared at the hearing, and each  
10 has approved or disapproved the order, or failed to respond, as indicated below  
11 [list each party and whether the party has approved, disapprove or failed to  
12 respond to the document]:

13 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy  
14 of this order with the motion pursuant to LR 9014(g), and that no party has  
15 objected to the form or content of the order.

16 ☐ \_\_\_\_\_  
17 Zachariah Larson  
18 Attorney for Debtor

19 ☐ Failed to respond to the document.  
20 ☐ Approved the document.  
21 ☐ Disapproved the document.

22 ☐ \_\_\_\_\_  
23 U.S. Trustee  
Trustee

☐ Failed to respond to the document.  
☐ Approved the document.  
☐ Disapproved the document.

POLI & BALL, P.L.C.  
3311 S. RAINBOW BLVD., SUITE 215  
LAS VEGAS, NEVADA 89146  
(702) 380-8095